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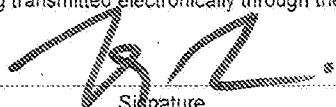
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91157395
Party	Plaintiff Guaranty Bank, F.S.B. Guaranty Bank, F.S.B. ,
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Submission	Other Motions/Papers
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Date	06/28/2007
Attachments	Consented Motion to Amend Application of Opposer, Ser. No. 76_170,497, to Concurrent Regi.PDF (3 pages)(1080298 bytes)

CERTIFICATE OF MAILING
37 C.F.R. 1.8

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

GUARANTY BANK, F.S.B.,

Opposer,

v.

GUARANTY BANK,

Applicant.

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Opposition No. 91/157,395

**CONSENTED MOTION TO AMEND APPLICATION OF OPPOSER, SER. NO.
76/170,497, TO CONCURRENT REGISTRATION**

Madam:

With the consent of Guaranty Bank (“GB-Texas”), Guaranty Bank F.S.B. (“Applicant” or “GB-Wisconsin”), GB-Wisconsin hereby files this consented motion to amend App. Ser. No. 76/170,497 (the “Application”) for the mark GUARANTY BANK, and respectfully requests that the following amendments to the application be entered:

AMENDMENTS

Amendment of Identification of Services:

Applicant respectfully requests that the recitation of services in the above-referenced application be amended to read as follows:

“Small Business Banking, namely, banking services offered to small businesses including, but not limited to, checking and savings accounts, certificates of deposit, business credit cards, employee services, equipment leasing, trust services, merchant payment processing services, payroll services, loans generally less than \$1,000,000 (2004 Dollars-to be adjusted for inflation), including but not limited to Small Business Administration loans, occasional loans in excess of \$1,000,000 (2004 Dollars-to be adjusted for inflation) as a special accommodation to bank customers but which are not the result of advertising or solicitation of commercial banking business, and treasury/borrowing advisory services; Retail Banking Services, namely, banking services offered to the consumers primarily consisting of deposit and deposit transaction services, trust and fiduciary services, unsecured lending and credit card services, the sale of non-deposit investment products as contemplated by 12 CFR § 536, as amended from time to time, and the Interagency Statement on Retail Sales of Nondeposit Investment Products, dated February 15, 1994, as amended from time to time, and consumer safety deposit box services; Mortgage and Auto Loan Banking Services, namely, banking services offered to the general public primarily consisting of the placement, origination, sales and servicing of both junior/senior mortgage loans and consumer loans secured by real or personal property including, *inter alia*, automobiles and related services permitted under RESPA or applicable law such as title insurance, appraisal, credit reporting, escrow services, and construction loan disbursement services; but excluding Secondary Mortgage Banking Services, namely, (1) buying, selling, servicing and trading mortgage loans and interests in such loans among third party originators and purchasers, and (2) originating mortgage loans with the assistance of third party brokers wherein such brokers work directly with retail consumers,” in International Class 36.

Amendment of Exclusive Territory:

Applicant respectfully requests that the exclusive territory covered by the application be amended to be cover the following geographic areas: the states of Minnesota, Wisconsin, Illinois, Indiana, Ohio and Michigan.


Identification of Exception to Applicant’s Claim of Exclusive Use:

While GB-Wisconsin believes it is unnecessary to expressly identify an exception to its claim of exclusive rights to use the mark GUARANTY BANK for the amended identification of services and the restricted territory as identified above, if required, GB-Wisconsin consents to the listing of GB-Texas as an exception to Applicant’s exclusive rights.

REMARKS:

GB-Wisconsin has resolved its differences with GB-Texas, and the parties have reached an agreement that provides for concurrent use of the composite mark, GUARANTY BANK, in geographically distinct regions of the United States for specific banking services. GB-Wisconsin and GB-Texas are each filing concurrently herewith a Consented Motion to Amend Application to Concurrent Registration for the respective application of each, as well as a Joint Motion to Dismiss the Opposition Proceeding Without Prejudice. The Parties believe that by restricting the services and territorial use of the mark GUARANTY BANK as set forth in their agreement and in the proposed amendments, that a likelihood of confusion of consumers will be avoided as a result of the respective uses. Accordingly, GB-Wisconsin respectfully requests that the above-identified amendments be entered.

Respectfully submitted,




Kerry L. Timbers

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Respectfully submitted,



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